

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SEP 18 2006

UNITED STATES OF AMERICA,

Plaintiff,

vs.

UNITED NUCLEAR SCIENTIFIC
SUPPLIES, LLC, a corporation,

Defendant.

MATTHEW J. DYKMAN

CLERK

Criminal No. 06-2008 JP

Count 1: 18 U.S.C. §§1263(a) and
1264(a): Delivery of Banned
Hazardous Substances;

Count 2: 18 U.S.C. §§1263(a) and
1264(a): Delivery of Banned
Hazardous Substances;

Count 3: 18 U.S.C. §§1263(a) and
1264(a): Delivery of Banned
Hazardous Substances.

INFORMATION

THE UNITED STATES ATTORNEY CHARGES THAT:

At times material to this Information:

1. On or about June 11, 2003, defendant UNITED NUCLEAR SCIENTIFIC
SUPPLIES, LLC, became a limited liability company under the laws of the state of New Mexico.

2. From at least May 2002, defendant UNITED NUCLEAR SCIENTIFIC
SUPPLIES, LLC, has been in business of selling to the general public the chemicals and supplies
needed to manufacture fireworks.

3. The Federal Hazardous Substances Act ("FHSA"), prohibited the introduction or
delivery for introduction into interstate commerce of any "banned hazardous substance." See 15
U.S.C. §§ 1263(a), 1261(q)(1)(B).

4. Items classified as "banned hazardous substances" included "[f]ireworks devices
intended to produce audible effects (including but not limited to cherry bombs, M-80 salutes,
silver salutes, and other large firecrackers, aerial bombs, and other fireworks designed to produce

audible effects, and including kits and components intended to produce such fireworks) if the audible effect is produced by a charge of more than 2 grains of pyrotechnic composition.” Title 16, Code of Federal Regulations, Section 1500.17(a)(3). They also included “[f]irecrackers designed to produce audible effects, if the audible effect is produced by a charge of more than 50 milligrams (.772 grains) of pyrotechnic composition (not including firecrackers included as components of a rocket), aerial bombs, and devices that may be confused with candy or other foods, such as ‘dragon eggs,’ and ‘cracker balls’ (also known as ‘ball-type caps’), and including kits and components intended to produce such fireworks” Title 16, Code of Federal Regulations, Section 1500.17(a)(8).

COUNT 1

(Delivery of Banned Hazardous Substances)

In or about May 2002, in Edgewood, within the District of New Mexico, defendant UNITED NUCLEAR SCIENTIFIC SUPPLIES, LLC, did introduce and deliver for introduction in interstate commerce banned hazardous substances, and did aid and abet therein, in that it sent and caused the sending of one or more packages from New Mexico to Maryland, which package(s) contained approximately two-and-a-half (2 ½) pounds of potassium perchlorate, approximately one-and-a-half (1 ½) pounds of aluminum (German dark) powder, approximately one hundred and ten (110) cardboard tubes, approximately two hundred and twenty (220) end caps, and twenty (20) feet of fuse, which were banned hazardous substances in that they were components intended to produce fireworks described in 16 C.F.R. §§ 1500.17(a)(3) and (a)(8).

All in violation of Title 15, United States Code, Sections 1263(a) and 1264(a), and Title 18, United States Code, Section 2.

COUNT 2

(Delivery of Banned Hazardous Substances)

In or about December 2002, in Edgewood, within the District of New Mexico, defendant UNITED NUCLEAR SCIENTIFIC SUPPLIES, LLC, did introduce and deliver for introduction in interstate commerce banned hazardous substances, and did aid and abet therein, in that it sent or caused the sending of one or more packages from New Mexico to Maryland, which package(s) contained approximately four (4) pounds of potassium perchlorate, approximately two (2) pounds of aluminum (German dark) powder, approximately one-half ($\frac{1}{2}$) pound of sulfur, ten (10) feet of fuse, approximately two hundred and forty (240) tubes, and approximately four hundred and eighty-nine (489) end caps, which were banned hazardous substances in that they were components intended to produce fireworks described in 16 C.F.R. §§ 1500.17(a)(3) and (a)(8).

All in violation of Title 15, United States Code, Sections 1263(a) and 1264(a), and Title 18, United States Code, Section 2.

COUNT 3

(Delivery of Banned Hazardous Substances)

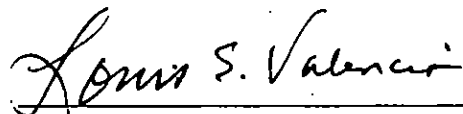
In or about May and June 2003, in Edgewood, within the District of New Mexico, defendant UNITED NUCLEAR SCIENTIFIC SUPPLIES, LLC, did introduce and deliver for introduction in interstate commerce banned hazardous substances, and did aid and abet therein, in that it sent and caused the sending of one or more packages from New Mexico to Maryland, which package(s) contained approximately five (5) pounds of potassium perchlorate, approximately two (2) pounds of aluminum (German dark) powder, approximately one-half ($\frac{1}{2}$) pound of sulfur, fifty (50) feet of fuse, approximately one thousand (1000) tubes, and

approximately two thousand (2000) end caps, which were banned hazardous substances in that they were components intended to produce fireworks described in 16 C.F.R. §§ 1500.17(a)(3) and (a)(8).

All in violation of Title 15, United States Code, Sections 1263(a) and 1264(a), and Title 18, United States Code, Section 2.

DATED this 14th day of September, 2006.

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